

DIGITAL BROADCAST CORPORATION
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April 7, 2004

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals
445 12th Street, SW
Washington, D.C. 20554

**Re: Amendment of Parts 1, 21, 73 74 and 101 of the Commission's Rules to Facilitate the
Provision of Fixed and Mobile Broadband Access, Educational and other Advanced
Services in the 2150-2162 MHz Bands
(WT Docket No. 03-66) ("NPRM")
NOTICE OF ORAL EX PARTE PRESENTATION**

Dear Ms. Dortch:

Gary S. Nerlinger, Chief Operating Officer of AirCable America, on behalf of Digital Broadcast Corporation (DBC), met with Sam Feder, Senior Legal Advisor on Spectrum and International Issues to Commissioner Martin regarding the above-referenced proceeding.

DBC discussed its support of the bandplan proposed in the white paper currently under consideration in the NPRM, specifically the seven (7) channels proposed for high power or midband use. DBC's business plan to deploy digital video using the MDS and ITFS frequencies needs at least these seven channels to create a competitive business operation. DBC explained how its business operation was also beneficial to ITFS licensees in that it would create partnerships with such entities whereby they would be able to commence or continue the use of downstream video to provide educational services in order to fulfill their education programming mission. DBC expressed the viewpoint that if the proposed bandplan that maintained the use of high powered channels is adopted, efficient use of the midband spectrum as well as further educational opportunities could be obtained through their business plan. Further, DBC expressed its viewpoint that the Commission should not uniformly dismiss the currently pending ITFS extension applications; that the amount of spectrum currently allocated to educational usage should not be diminished in this proceeding; and that ITFS entities should not be permitted to sell their spectrum to commercial entities.

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, this summary of our presentation is being filed electronically. Should any questions arise concerning this matter, kindly contact the undersigned.

Very truly yours,

/s/ Gary S. Nerlinger

Gary S. Nerlinger
Chief Operating Officer

cc (via e-mail): Sam Feder, Esq.